

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

3/23/15

-----x  
ALEXANDER CARVALHO et al.,

Plaintiffs,

ORDER

-against-

13 cv. 4174 (PKC) (MHD)

CITY OF NEW YORK et al.,

Defendants.  
-----x

MICHAEL H. DOLINGER  
UNITED STATES MAGISTRATE JUDGE:

Plaintiffs have moved for an order compelling disclosure of additional entries from documents of the Police Department Internal Affairs Bureau ("IAB") and the Civilian Complaint Review Board ("CCRB") pertaining to the individual defendants. Both sides suggested in camera review, which we have now undertaken.

The pertinent standards, which we confirmed at oral argument on March 19, 2015, require production of items related to the claims of misconduct in this case -- thus allegations of improper arrests and use of excessive force -- as well as entries that suggest false or misleading statements or other acts of dishonesty. See, e.g., Zhao v. City of New York, 2007 WL 4205856, \*1-2 (S.D.N.Y. Nov. 21, 2007); accord Brown v. City of New York, 2011 WL 4594276, \*2 (E.D.N.Y. Sept. 30, 2011). On our review of the

submitted unredacted IAB and CCRB documents, we found a number of withheld entries that should be disclosed. In addition, there were a large number of entries that were not self-explanatory, and for which defendants must provide an explanation of their nature if they wish to justify their redaction. We list each category below:

Entries that must be disclosed (Bates number in parentheses):

I. IAB documents

Ahmed: IA ## 11-30632, 12-13639 (D587)

Bovell: IA ## 08-07813, 09-36128 (D583a-84a)

Esposito: IA ## 05-04249, 06-07793, 06-11212, 06-14447  
(D1773).

Galgano: IA # 08-36795 (D581)

Papamichael: IA ## 98-03742, 12-44123 (D592)

Winski: IA ## 11-35422, 11-35523, 12-20665 (D590)

II. CCRB documents

Bovell: # 201215153 (D342)

Esposito: ## 8604267, 9102219, 9502629, 9900462,  
200008989, 200604323 (D1770-71)

Winski: # 200307363 (D576)

Entries that must be explained (Bates numbers in parentheses):

I. IAB documents

Bovell: IA ## 05-25349, 05-31049, 05-34100, 06-23572,  
08-22807, 09-59358, 10-30562, 10-59996, 12-45858  
(582a)

Esposito: IA ## 94-08862, 02-18690, 05-02266, 05-02445,  
05-04148, 05-05505 (compare to 05-06863), 06-01258  
(D1772-73)

Rodriguez: IA ## 07-30668, 11-08231 (D588a)

Viviano: IA ## 07-39141, 09-21317 (D580)

Winski: IA ## 02-29773, 08-50786, 10-31784, 10-44051,  
12-04029, 12-33291 (D589)

II. CCRB documents

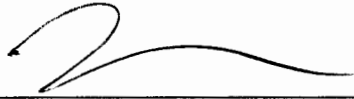
Bovell: # 201016880 (D341)

We further order defendants to reveal the summary information regarding total number of charges and cases found at the end of each officer's CCRB report.

Defendants are to submit their explanation of the entries so identified above by March 27, 2015. They are to produce to plaintiff the entries that we have specified by March 30, 2015.

Dated: New York, New York  
March 23, 2015

SO ORDERED.



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MICHAEL H. DOLINGER  
UNITED STATES MAGISTRATE JUDGE

Copies of the foregoing Order have been mailed this day to:

Gideon Orion Oliver, Esq.  
Gideon Orion Oliver  
277 Broadway, Suite 1501  
New York, NY 10007

Meghan Dupuis Maurus, Esq.  
Maurus & Heinegg  
48 Wall Street 11th Floor  
New York, NY 10005

Andrew Joseph Lucas, Esq.  
Angharad Wilson, Esq.  
Joy Tolulope Anakhu, Esq.  
NYC Law Department  
Office of the Corporation Counsel  
100 Church Street  
New York, NY 10007

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
JOHN SCOTT DEKUYPER,

Plaintiff,

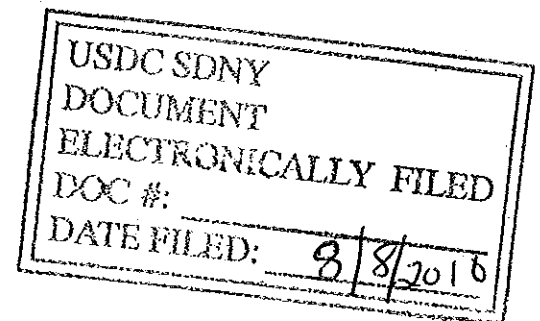
-v-

THE CITY OF NEW YORK, NEW YORK CITY  
POLICE DEPARTMENT ("NYPD") CHIEF OF  
DEPARTMENT JOSEPH ESPOSITO, NYPD  
OFFICER PATRICK MULLANE, SHIELD NO.  
5171, NYPD OFFICER FNU/LNU SHIELD NO.  
867 (believed to be either PEDRO CABAL  
or SHREEGANES MEADE), and NYPD  
OFFICERS JOHN and JANE DOE #1-5 (The  
names being fictitious, as the true  
names and shield numbers are no  
presently known) in their individually  
and official capacities,

Defendants.  
----- X

14cv8249 (DLC)

ORDER



DENISE COTE, District Judge:

On August 1, 2016, the plaintiff submitted a letter requesting: (1) leave to file under seal documents produced by the defendants, bates-numbered D859-863; (2) an order compelling the defendants to produce closing reports and/or summaries of relevant incidents listed in the CCRB, IAB, and CPO indices relating to defendant Joseph Esposito ("Esposito"); and (3) an order compelling the defendants to produce transcripts of deposition testimony given by Esposito in other lawsuits involving claims of excessive force or false arrest. It is

hereby

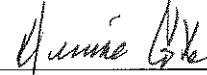
ORDERED that the plaintiff's request to file documents bates-numbered D859-863 under seal is granted.

IT IS FURTHER ORDERED that the defendants shall promptly produce to the plaintiff closing reports and/or summaries for incidents involving Esposito occurring no more than ten years prior to the incident at issue in this case in which there was a complaint involving excessive force or false arrest, or entries that suggest false or misleading statements or other acts of dishonesty by Esposito. Responsive documents shall be produced whether or not there was a finding of misconduct. In the event the defendants redact or withhold any responsive documents, they shall provide a privilege log to the plaintiff contemporaneously with their production.

IT IS FURTHER ORDERED that the defendants shall promptly produce to the plaintiff transcripts of any depositions of Esposito in other lawsuits with claims that Esposito used excessive force or participated in a false arrest on the same day on which the plaintiff was arrested. The defendants shall, by August 12, identify all depositions given by Esposito in lawsuits filed against Esposito that involve both (1) allegations of excessive force or false arrests and (2)

incidents that occurred no more than ten years prior to the incident at issue in this case.

Dated: New York, New York  
August 8, 2016



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DENISE COTE

United States District Judge